

REPLY UNDER CFR 1.116
EXPEDITED PROCEDURE
GROUP ART UNIT 1624
Patent Application 10/075,348
Attorney Docket No. PC10030D

REMARKS

Claims 1-6, 8, 10, 15-23 and 25-35 are pending in the application. Claim 1 is currently amended. Claims 2-6, 8, 10, 15-23 and 25-35 were previously presented, and claims 7, 9, 11-14 and 24 were previously canceled.

No new matter has been introduced by virtue of the amendments made herein. Accordingly, applicants respectfully request their entry for the purposes of appeal. In view of the amendments made herein and the remarks below, applicants respectfully request reconsideration and withdrawal of the rejection set forth in the October 20, 2005 Office Action and reconsideration of the Advisory Action dated January 21, 2006.

Rejection under 35 USC § 112, First Paragraph

The Examiner stated in the most recent advisory action that the amendment filed January 9, 2006 would cause previously withdrawn rejections to be reinstated. Nonetheless, applicants respectfully entry of the amendments made herein. Applicants assume the Examiner is referring to the withdrawn rejection of claims 1-6, 8, 10, 15-23 under 35 USC § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to make or use the invention. Further, applicants assume that the rejection would be the sole outstanding rejection preventing a notice of allowance in this case

In response, applicants hereby respectfully submit the declaration of Dane Liston, filed concurrently herewith. In his declaration, Mr. Liston has attested to the fact that he, as one skilled in the art, would readily be able to identify specific members of any aforementioned narrow classes and formulate them with the compounds of the instant formula I using principles and procedures that are common knowledge in the art, without undue experimentation.

Under In re Buchner, 929 F.2d 660, 661, 18USPQ 1331, 1332 (Fed. Cir. 1991), information that is well known in the art is not required to be disclosed in the specification in order to be enabling under 35 USC § 112. Just as it is unnecessary to define the term "alkyl" in a chemical composition patent application, so to is it unnecessary to define the terms "muscarinic agonist" and "amyloid aggregation inhibitor", for the purposes of satisfying 35 USC § 112. All that is necessary is that one skilled in the art to be able to practice the claimed invention given the level of knowledge and skill in the art. Applicants respectfully submit that the current application fulfills this requirement as evidenced by the declaration of Mr. Liston. The declaration explicitly states that Mr. Liston, who is one skilled in the art, would be able to readily identify specific members of the any of the aforementioned class and practice the claimed invention.

For the forgoing reasons, applicants respectfully submit that the specification is enabling to those skilled in the art seeking to formulate the compounds of formula I into pharmaceutical compositions that include the classes of active ingredients recited in claim 1, as amended.

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In view of the amendments set forth herein and remarks above, applicants respectfully submit that the pending claims are fully allowable, and solicit the issuance of a notice to such effect. If a telephone interview is deemed to be helpful to expedite the prosecution of the subject application, the Examiner is invited to contact applicants' undersigned attorney at the telephone number provided.

The Commissioner is hereby authorized to charge any fees required under 37 C.F.R. §§1.16 and 1.17 or to credit any overpayment to Deposit Account No. 16-1445.

Date: 4/6/06



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